

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hannah Sampson	Team: Squad #8	CCRB Case #: 201804757	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/13/2018 5:37 PM	Location of Incident: § 87(2)(b)	Precinct: 108	18 Mo. SOL 12/13/2019	EO SOL 12/13/2019	
Date/Time CV Reported Thu, 06/14/2018 2:12 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/14/2018 2:12 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Kaisser Surriga	24004	946303	NARCBQN
2. SGT Joel Edwards	03692	936544	NARCBQN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Harold	06827	949086	108 PCT
2. POM Jorge Ozuna	08840	956997	108 PCT
3. POM Neil Trinchese	15208	957228	108 PCT
4. SGT Jaysen Tejada	03733	946314	108 PCT
5. POM Richard Guerrero	05549	962453	108 PCT
6. POM Cyril Abraham	06627	937932	108 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Joel Edwards	Force: Sergeant Joel Edwards used physical force against § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
B.POM Kaisser Surriga	Force: Police Officer Kaisser Surriga used physical force against § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
C.SGT Joel Edwards	Force: Sergeant Joel Edwards used physical force against § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
D.POM Kaisser Surriga	Discourtesy: Police Officer Kaisser Surriga spoke discourteously to § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
E.POM Kaisser Surriga	Discourtesy: Police Officer Kaisser Surriga spoke discourteously to § 87(2)(b) § 87(2)(b)	§ 87(2)(b)

### Case Summary

On June 14, 2018, § 87(2)(b) § 87(2)(b) filed this complaint with the CCRB via telephone on behalf of § 87(2)(b) and § 87(2)(b) § 87(2)(b).

On June 13, 2018, at 5:37 p.m., § 87(2)(b) § 87(2)(b) was in her § 87(2)(b) -floor apartment when she heard voices coming from the alleyway of § 87(2)(b) § 87(2)(b) in Queens. § 87(2)(b) § 87(2)(b) went to her window, which overlooks the alley, and observed two officers, identified by the investigation as Sgt. Joel Edwards and PO Kaiser Surriga, both of Queens North Narcotics, arresting two individuals, identified by the investigation as § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b). Sgt. Edwards and PO Surriga allegedly pushed § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) against the wall and punched them (Allegations A, B, and C: Force, § 87(2)(g)). PO Surriga spoke discourteously to § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) (Allegations D and E: Discourtesy, § 87(2)(g)). § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were both arrested. § 87(2)(b) § 87(2)(b)

There is Body Worn Camera footage of this incident [full videos linked to BRs 01 – 06, summarized in BR 27].

### Findings and Recommendations

**Allegation A: Force – Sergeant Joel Edwards used physical force against § 87(2)(b) § 87(2)(b)**

**Allegation B: Force – Police Officer Kaiser Surriga used physical force against § 87(2)(b) § 87(2)(b)**

**Allegation C: Force – Sergeant Joel Edwards used physical force against § 87(2)(b) § 87(2)(b)**

It is undisputed that § 87(2)(b) § 87(2)(b) resisted arrest and that PO Surriga and Sgt. Edwards used physical force against him; § 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b) was interviewed at the CCRB on June 18, 2018 [BR 07]. She stated that she was in her § 87(2)(b) -floor apartment when she heard voices in her alleyway. § 87(2)(b) § 87(2)(b) went to her window and observed PO Surriga and Sgt. Edwards each standing behind two individuals that were against the wall. The investigation determined that § 87(2)(b) § 87(2)(b) observed PO Surriga with § 87(2)(b) § 87(2)(b) and Sgt. Edwards with § 87(2)(b) § 87(2)(b). She alleged that both officers “slammed” their respective arrestees into the wall by pulling them away from the wall and then pushing them back into the wall. § 87(2)(b) § 87(2)(b) could not tell where on the men’s bodies the officers were holding them, but saw the motion of the men coming away from the wall and then going back towards it. She further stated that both officers punched the individual he was controlling on the head, torso, and back. § 87(2)(b) § 87(2)(b) did not observe the men do anything with their bodies as they were against the wall and said their hands were already behind their backs. § 87(2)(b) § 87(2)(b) could not tell if they were handcuffed at the time. § 87(2)(b) § 87(2)(b) could not estimate how long she stayed at her window before she walked away, but said that everything happened very quickly. Approximately one minute later, she went back to her window and observed a male, identified by the investigation as § 87(2)(b) § 87(2)(b) on the ground, facing upwards. § 87(2)(b) § 87(2)(b) was not doing anything with his body or arms while on the ground and was not kicking in any way. § 87(2)(b) § 87(2)(b) could not see § 87(2)(b) § 87(2)(b)s hands because they were tucked behind his back, possibly in handcuffs. § 87(2)(b) § 87(2)(b) then observed an officer – she did not recall which – punch § 87(2)(b) § 87(2)(b) in the torso/chest at least one time. § 87(2)(b) § 87(2)(b) did not observe the officers use any other force.

Contact attempts were exhausted to § 87(2)(b) and § 87(2)(b) [BRs 28 – 53]. Neither § 87(2)(b) nor § 87(2)(b) cooperated with the investigation. As a result, no statements could be obtained from them regarding this incident.

Sgt. Edwards and PO Surriga were both interviewed at the CCRB on September 7, 2018 [BRs 08 and 09, respectively]. They were consistent that Sgt. Edwards handcuffed § 87(2)(b) without incident and denied that any force was used against him. Sgt. Edwards and PO Surriga were also consistent that § 87(2)(b) actively resisted arrest. PO Surriga stated that after observing what he believed to be a narcotics transaction, he approached § 87(2)(b) to place him under arrest. PO Surriga identified himself as a police officer, instructed § 87(2)(b) to put his hands behind his back, and informed him that he was under arrest. § 87(2)(b) pulled his body away from PO Surriga and refused to stand against the wall. § 87(2)(b) also refused to put his hands behind his back; however, PO Surriga did not recall exactly what § 87(2)(b) was doing with his hands. A few seconds later, Sgt. Edwards assisted PO Surriga in handcuffing § 87(2)(b). PO Surriga tried to grab ahold of § 87(2)(b)'s hands but § 87(2)(b) pulled away from PO Surriga and then grabbed and pushed Sgt. Edwards. At that point, Sgt. Edwards punched § 87(2)(b). PO Surriga did not know where on his body Sgt. Edwards punched § 87(2)(b) or how many times. PO Surriga did not recall if he punched § 87(2)(b) while he was against the wall. Aside from grabbing at § 87(2)(b)'s hands, PO Surriga did not recall if he used any other tactics to overcome § 87(2)(b)'s resistance while against the wall. PO Surriga did not recall if he or Sgt. Edwards pushed § 87(2)(b) into the wall as alleged. After struggling with § 87(2)(b) for approximately one minute, PO Surriga fell to the ground while holding onto § 87(2)(b). PO Surriga denied intentionally taking § 87(2)(b) to the ground. PO Surriga did not recall if Sgt. Edwards was also holding onto § 87(2)(b) at the time. PO Surriga stated that while he was on top of § 87(2)(b) he felt § 87(2)(b) pushing upwards, which led him to believe § 87(2)(b) was trying to get up. PO Surriga prevented § 87(2)(b) from getting up by punching § 87(2)(b) on the back of his arm. PO Surriga stated that he punched § 87(2)(b) multiple times but did not recall how many times he punched him or where any of the additional strikes landed. PO Surriga did not recall at what point(s) he inflicted the additional punches. PO Surriga did not recall if Sgt. Edwards punched § 87(2)(b) once he was on the ground.

Sgt. Edwards stated that § 87(2)(b) was pulling PO Surriga, tried to push off from the wall, and attempted to bear hug Sgt. Edwards' legs. He further stated that § 87(2)(b) flailed his arms in all directions and threw punches aimed at the officers. The punches did not make contact with either officer. Both officers instructed § 87(2)(b) to stop resisting and to give them his hands but § 87(2)(b) did not comply. In order to overcome § 87(2)(b)'s resistance, Sgt. Edwards punched him. He could not recall how many times he punched § 87(2)(b) or on what part(s) of his body. Sgt. Edwards initially said that he did not recall if PO Surriga punched § 87(2)(b). He later said that he believed PO Surriga punched § 87(2)(b) before they took him to the ground. Sgt. Edwards did not know how many times PO Surriga punched him or on what part(s) of his body. After being punched, § 87(2)(b) became more combative. He continued trying to grab Sgt. Edwards and continued to throw punches at the officers. Sgt. Edwards denied that he pushed § 87(2)(b) into the wall as alleged and did not recall PO Surriga doing so. Sgt. Edwards said that he then "dragged" § 87(2)(b) to the ground by pulling him downwards. PO Surriga assisted in bringing § 87(2)(b) to the ground but Sgt. Edwards did not know what specific actions PO Surriga took. Sgt. Edwards added that everything happened very quickly and was "all over the place." Once on the ground, the officers handcuffed § 87(2)(b). § 87(2)(b) continued resisting by moving his body and "trying to get up." Sgt. Edwards did not know what exactly § 87(2)(b) did

with his arms and legs once on the ground, but perceived his movements as trying to get up. Sgt. Edwards denied punching § 87(2)(b) once he was on the ground and did not recall PO Surriga doing so.

Sgt. Edwards' and PO Surriga's memo book entries for this incident note that § 87(2)(b) resisted arrest [BRs 10 and 11, respectively]. Sgt. Edwards' memo book further notes that § 87(2)(b) attempted to flee, which Sgt. Edwards described in his interview as § 87(2)(b)'s action of pushing away from the wall.

Sgt. Edwards and PO Surriga prepared TRI Reports for this incident [BRs 12, 13, 14, and 15]. Both reports note that § 87(2)(b) pushed/shoved and wrestled/grappled with the officers and that PO Surriga and Sgt. Edwards used hand strikes and a forcible takedown against him. Both reports note that § 87(2)(b) sustained minor lacerations/abrasions as a result of going to the ground. Photos of § 87(2)(b)'s and PO Surriga's injuries were taken and linked to PO Surriga's TRI Report [BR 15]. They show minor abrasions/scrapes on § 87(2)(b)'s chest, shoulder/neck, and back and minor scrapes to PO Surriga's forearms. The handwritten copy of Sgt. Edwards' TRI report indicates that a foot strike was used against § 87(2)(b). Sgt. Edwards was shown this copy during his interview and stated that he did not recall any officer using a foot strike against § 87(2)(b).

PO Surriga prepared Line of Duty paperwork for this incident noting that he sustained pain, swelling, and a sprain to his left wrist while attempting to arrest § 87(2)(b) [BR 16]. The report notes that § 87(2)(b) refused to be handcuffed and that PO Surriga and § 87(2)(b) fell to the ground during the struggle, causing the injury. Sgt. Edwards' witness statement is consistent with PO Surriga's narrative.

As noted above, § 87(2)(b) was charged with resisting arrest. His arrest report notes that he pushed and pulled away from the officers and that a forcible takedown was used [BR 17]. § 87(2)(b)'s arrest photo shows abrasions to the top of his nose and forehead and a scratch and minor bruising below his right eye [BR 18]. No further injuries are visible.

PO Surriga and Sgt. Edwards were not equipped with BWC during this incident. However, BWC footage was obtained from the additional MOS that responded to the location. In the footage, § 87(2)(b) is heard stating that he was trying to get [the officer] off of him, and that if [the officer] had been a "regular cop" [in uniform], he "would not have resisted" [relevant clips embedded below, full video linked to BR 01].



2018-10-16\_12-31-07.mp4



2018-10-15\_12-17-55.mp4

The investigation determined that there are exterior cameras mounted in the alley where this incident occurred. On June 18, 2018, a call was placed to the building's landlord, § 87(2)(b) [BR 19]. He stated that the footage is only stored on the server for a maximum of three days before it is deleted. As a result, no surveillance footage could be obtained of this incident.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

**Allegation D – Discourtesy: Police Officer Kaiser Surriga spoke discourteously to § 87(2)(b)**

§ 87(2)(b)

**Allegation E – Discourtesy: Police Officer Kaiser Surriga spoke discourteously to § 87(2)(b)**

§ 87(2)(b)

It is undisputed that PO Surriga spoke discourteously to § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not allege that she heard PO Surriga direct any profanity towards § 87(2)(b) or § 87(2)(b). As discussed above, statements could not be obtained from either victim.

Sgt. Edwards did not recall if PO Surriga used any profanity during this encounter. He was shown BWC footage from the incident [embedded below, full videos linked to BRs 01 and 02] in which an individual is heard telling § 87(2)(b) that he was going to jail for “being an asshole.” The same individual is then heard telling § 87(2)(b) that he is aware of the “fucking cameras.” Sgt. Edwards could not identify the individual that made the statements.

PO Surriga denied that he used any profanity during the incident and did not recall using the words “asshole” or “fucking” in any context. PO Surriga was also shown BWC footage from this incident and said that he could not identify if he was the individual that made either statement to § 87(2)(b) and § 87(2)(b). He further stated that he did not have an independent recollection of either interaction.



2018-10-16\_10-19-52.mp4



2018-10-16\_10-21-47.mp4

Patrol Guide Procedure 203-09 states that officers are to be courteous and respectful when interacting with the public [BR 20].

§ 87(2)(b), § 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) have been a party [BRs 21, 22, and 23, respectively].
- PO Surriga has been a member-of-service for 10 years and has been a subject in ten previous complaints and 27 allegations, none of which were substantiated. PO Surriga's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- Sgt. Edwards has been a member-of-service for 13 years and has been a subject in three previous complaints and six allegations, none of which were substantiated. Sgt. Edwards' CCRB history does not reflect any apparent pattern pertinent to this investigation.

### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- A Notice of Claim request was submitted on October 15, 2018, and will be added to the case file upon receipt.
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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